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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,736	02/13/2001	Mathias Kokot	GR 98 P 2328 P	9665
24131	7590	02/24/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			DUONG, DUC T	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,736

Applicant(s)

KOKOT ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The indicated allowability of claims 1-10 is withdrawn in view of the newly discovered reference(s) to Kimball (US Patent 5,953,322) and Raychaudhuri et al (US Patent 5,684,791). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball (US Patent 5,953,322) in view of Raychaudhuri et al (US Patent 5,684,791).

Regarding to claim 1, Kimball discloses a communications system (Fig. 1), comprising a base station 30/32 and mobile terminals 10/34 (Fig. 1 col. 2 lines 34-45); said base station 30 having an air interface 70 for implementing wireless, first partial connections (between mobile terminals 10 and base station 30) to said mobile terminals 10 (Fig. 8 col. 8 lines 46-47) and a network interface 72 to a communication network 100 configured to establish second partial connections 150 to further terminals 210 (Fig. 8 col. 9 lines 5-9), wherein voice data to be transmitted in each case are transmitted within data packets to be transmitted asynchronously for the second partial connection 150 (Fig. 1 col. 4 lines 38-49; TCP/IP protocol is an asynchronous transmission); the

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Regarding to claims 2-4, Kimball discloses the voice processing device 56 of the mobile terminal 10 is a voice compression/decompression device for compressing/decompressing voice data (Fig. 4 col. 6 lines 66-67).

Regarding to claim 5, Kimball discloses the communication network 100 is a data network for connecting data processing systems (Fig. 1 col. 3 lines 29-32).

Regarding to claims 6 and 7, the Examiner take an official notice that the standard DECT and UTMS are well-known air interface implement in base station.

Regarding to claim 8, Kimball discloses the network interface 74 is configured for connections to a switching system in an ISDN network 84 (Fig. 8 col. 9 lines 1-4).

Regarding to claim 10, Kimball discloses the base station 30 comprises a voice compression/decompression device 71 for compressing/decompressing voice data (Fig. 8 col. 8 lines 64-67).

Allowable Subject Matter

4. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

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individual data packets 130 each containing an address information 140 item unambiguously specifying one of the mobile terminals 10 or further terminals 210 in the communication network 100 as a transmission destination (Fig. 2C col. 3 lines 39-43) and directing the data packets to the respective transmission destination within the communication network 100 (Fig. 1 col. 4 lines 25-28); said base station 10 including a router (implicitly shown) configured to allocate data packets arriving in existing first or second partial connections to second or first partial connections in dependence on the address information item contained data packet (col. 4 lines 54-58); and said mobile terminals 10 each having a voice processing device 56 configured for at least one of compressing voice data to be transmitted to said base station and decompressing compressed voice data transmitted to the respective mobile terminal (Fig. 4 col. 6 lines 66-67).

Kimball fails to teach for transmitting the voice data in the first partial connection as packets asynchronously.

However, Raychaudhuri discloses a wireless ATM system 12, wherein voice data are transmitted over a connection (bi-directional dotted arrow) using ATM cell 40 (Fig. 1 col. 4 lines 41-55).

Thus, it would have been obvious to a person of ordinary skill in the art to employ an asynchronous connection for transmitting voice data as taught by Raychaudhuri in Kimball's system to support various quality of services for voice data such as CBR, ABR, and VBR.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD
DD


RICKY NGO
PRIMARY EXAMINER

2/22/05